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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,965	11/26/2003	Sarvesh Asthana	863.0031.U1(US)	8996
29683 7590 09/23/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212				
EXAMINER				
HARRELL, ROBERT B				
ART UNIT		PAPER NUMBER		
2142				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/722,965

**Applicant(s)**

ASTHANA, SARVESH

**Examiner**

Robert B. Harrell

**Art Unit**

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: see attached restriction

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1. Claims 1-47 are present for consideration.

2. Since a patent may only be granted on an invention (each in the singular), restriction to one of the following inventions is required under 35 U.S.C. 121 (see 37 CFR 1.141):

Group I. Claims 1-22 and 32-39, drawn to a method to operate a wireless network with a mobile station, Classified in Class 370, subclass 328.

Group II. Claims 23-31, drawn to a content proxy server having a network address and comprising a network interface, Classified in Class 709, subclass 202.

Group III. Claims 40-43, drawn a mobile station MS operable in a wireless network that comprises a base station BS, Classified in Class 455, subclass 456.6.

Group IV. Claims 44-47, drawn to a base station BS operable in a wireless network comprising a mobile station MS, Classified in Class 455, subclass 456.5.

3. Inventions I and II are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group I has separate utility such as in a method to operate a wireless network with a mobile station not used in a content proxy server having a network address and comprising a network interface as claimed in Group II.

4. Inventions I and III are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group I has separate utility such as in a method to operate a wireless network with a mobile station not used in a mobile station MS operable in a wireless network that comprises a base station BS as claimed in Group III.

5. Inventions I and IV are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group I has separate utility such as in a method to operate a wireless network with a mobile station not used in a base station BS operable in a wireless network comprising a mobile station MS as claimed in Group IV.

6. Inventions II and I are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be

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separately useable. In this instant case, invention of Group II has separate utility such as in a content proxy server having a network address and comprising a network interface not used in a method to operate a wireless network with a mobile station as claimed in Group I.

7. Inventions II and III are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a content proxy server having a network address and comprising a network interface not used in a mobile station MS operable in a wireless network that comprises a base station BS Group III.

8. Inventions II and IV are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a content proxy server having a network address and comprising a network interface not used in a base station BS operable in a wireless network comprising a mobile station MS Group IV.

9. Inventions III and I are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group III has separate utility such as in a mobile station MS operable in a wireless network that comprises a base station BS not used in a method to operate a wireless network with a mobile station as claimed in Group I.

10. Inventions III and II are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a mobile station MS operable in a wireless network that comprises a base station BS not used in a content proxy server having a network address and comprising a network interface as claimed in Group II.

11. Inventions III and IV are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a mobile station MS operable in a wireless network that comprises a base station BS not used in a base station BS operable in a wireless network comprising a mobile station MS as claimed in Group IV.

12. Inventions IV and I are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group III has separate utility such as in a

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base station BS operable in a wireless network comprising a mobile station MS not used in a method to operate a wireless network with a mobile station as claimed in Group I.

13. Inventions IV and II are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a base station BS operable in a wireless network comprising a mobile station MS not used in a content proxy server having a network address and comprising a network interface as claimed in Group II.

14. Inventions IV and III are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a base station BS operable in a wireless network comprising a mobile station MS not used in a mobile station MS operable in a wireless network that comprises a base station BS as claimed in Group III.

15. The above restriction is proper because, per MPEP 806.05 (c (I (Example "A."))), the subcombinations disclosed as useable together are in the form of AB<br>B<sp>; that is, for example, a method to operate a wireless network would be "A" with a broad mobile station ("B<br>") as in Group I and yet a specific mobile station as "B<sp>" is claimed in Group III. Per MPEP 806.05 (c (I (Example "A."))), restriction is proper.

16. An undue burden would be placed upon examiner since the search for each Group would be in classes and subclasses not required for the other Groups.

17. Because these inventions are independently distinct from each other for the reasons given above and because they have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter and the search for each Group is not required for the other Group, restriction for examination purposes as indicated is proper.

18. The applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

19. The applicant is also advised that the response must be submitted to the Office *within ONE [1] Month* or 30 days, whichever is longest.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

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21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (571) 273-8300.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

/Robert B. Harrell/  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142